REMARKS

In response to the above-identified Office Action, Applicant seeks reconsideration in view of the following remarks and the amendments reflected in the claim listing above. No new matter has been added.

I.   Claim Rejections – 35 U.S.C. §103

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,519,068 ("Krebs") in view of U.S. Pat. No. 5,610,973 ("Comer") and U.S. Pat. No. 5,790,536 ("Mahany"). Claims 2, 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Krebs Comer, and Mahany in view of U.S. Pat. No. 5,926,463 ("Ahearn"). These rejections are respectfully traversed. None of the cited references, taken alone or in combination, include each and every element of the pending claims.

For example, none of the references disclose a system wherein the data switching hub maintains a list of the access points and their associated mobile units that is generated and/or populated during the association event itself as variously recited in the independent claims.

In this regard, the Examiner cites column 2, lines 8-17 of Ahearn as storing such a list. For ease of reference, the cited section is reproduced below:

> repeater. The switch looks at the destination address of each
> frame received on a link, and then based on information
> 10 contained in the switch, the switch only forwards the frame
> onto the link, or links, where the destination MAC address
> exists. The switch can contain this information in a MAC
> address look-up table, and this look-up table can either be
> created by a system operator, or the switch can learn which
> MAC addresses are on a specific link, by reading source
> 15 addresses on frames received over that specific link (build a
> look-up table). Other information, such as the quantity of

Note that this section explicitly teaches away from the present invention, as it states that the look-up table is created by a system operator -- which would be costly and time consuming -- or by learning the list interactively by examining source addresses in each frame -- a process that would appear to reduce data throughput rate.

In contrast, the present invention is directed to a system where the association list is

determined and populated when an actual mobile unit associates itself with an access point. See, for example, page 9, lines 3-8 of the present application, which states that "[a]dvantageously, in order to update the list maintained by hub 16, upon initial association of a mobile unit with an access point, either the mobile unit or the newly associated access point provides a message packet, such as a broadcast message to the hub 16, with the source address of the message corresponding to the mobile unit. Upon receiving this message, the hub updates its list to include the association of the mobile unit with the port at which the access point is connected."

Furthermore, as previously stated, there is no suggestion in either Krebs or Comer that the data hub provide "the functionality of the wireless communications standard protocol that selectively sends data communications to access points connected to said hub." Krebs discloses no such standard, and Comer, to the extent that it mentions a standard, clearly fails to suggest that any functionality of the standard "that selectively sends data" should be incorporated into a data switching hub. There is simply no disclosure in Comer that the IS-41 disclosure even includes functionality that selectively sends data communication to access points via a hub. The inventor was clearly proceeding contrary to accepted wisdom. MPEP 2145(X)(D)(3).

Accordingly, Applicants respectfully submit that neither Krebs, Comer, Mahany, nor Ahearn, taken alone or in combination with any other art or record, would not include each and every element of the independent claims as currently amended, and furthermore that there is no motivation to combine this reference with the prior art. As the remaining claims variously depend from the independent claims, these claims are also non-obvious for at least the reasons set forth above. Applicants therefore request that the Section 103 rejections be withdrawn.

II.   Conclusion

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (480) 385-5060 or dpote@ifllaw.com.

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If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

Ingrassia, Fisher & Lorenz

Date___February 27, 2009___   By___/DANIEL R. POTE/_____

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